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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,684	11/09/2001	Robin P. Yergenson	10012411-1	9702

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EXAMINER

FOX, CHARLES A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/044,684

Applicant(s)

YERGENSON, ROBIN P.

Examiner

Charles A. Fox

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dodd et al. In regards to claims 1 and 13 Dodd et al. US 3,809,263 discloses an object retention system for a carousel having an axis of rotation comprising:

a rotatable carousel(10) having an axis of rotation(42);

a latching hub (24,26) mounted within the rotatable carousel;

at least one object (12) within the carousel, each object having a latch reciprocal (32,34) configured to mate with the latching hub;

wherein said latch reciprocal mates with the latching hub between the object and the axis of rotation (42) of the hub;

at least one retainer (44) adjacent each object configured to maintain contact with between latch reciprocals and the latching hub.

In regards to claims 2 and 14 Dodds et al. further discloses the latching hub (24,26) includes at least one prominence (43) and that each latch reciprocal has a depression formed therein for receiving the at least one prominence of the latching hub.

In regards to claims 3 and 15 Dodd et al. also disclose the flanges (32,34) form a prominence on the ends of the object (12) that fits into a depression on the latching hub formed between prominence (43) and retainer (44). See figure 2A.

In regards to claims 4 and 16 Dodd further shows the retainers (44) are springable.

In regards to claims 5 and 17 Dodd et al. also discloses that the prominence (43) of the rotatable hub (10) are springable to permit insertion and removal of the object.

In regards to claims 6 and 16 Dodd et al. also disclose an embodiment of the carousel (figure 10) where the carousel hub has a portion (170) that is substantially coextensive with each object (12) on the hub.

In regards to claim 8 Dodd et al. disclose a method of securing an object in a rotatable carousel comprising the steps of:

- mounting a latching hub within the rotatable carousel about an axis of rotation;

- providing a retainer within the carousel;

- inserting an object with a latch reciprocal into said carousel;

- mating the latch reciprocal with the latching hub between the object and the axis of rotation of the hub;

- the retainer maintaining contact between the latch reciprocal and the latching hub.

In regards to claim 9 Dodd et al. further disclose the steps of providing the latching hub with a prominence and the latch reciprocal with a depression for receiving said prominence.

In regards to claim 10 Dodd et al. further disclose that each latch reciprocal forms a prominence that fits into a depression formed on said latching hub.

In regards to claim 11 Dodd et al. also disclose displacing the retainers by the object permitting the latch reciprocals to partially bypass the retainers, wherein the retainers return to lock the latching hub against the latch reciprocal.

In regards to claim 12 Dodd et al. also disclose displacing the latching hub, permitting the latch reciprocal to partially bypass the latching hub, wherein the latching hub returns to lock the object against the latching hub.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodd et al. as applied to claims 1 and 13 above, and further in view of Teranishi. Dodd et al. teaches the limitations of claims 1 and 13 as above, they do not teach the object as having latch reciprocals in the center of the object. Teranishi US 4,789,209 teaches a carousel for holding objects wherein the carousel has a latching mechanism (85a) that has a latch reciprocal (18,d,18f) formed in the center between two opposite ends of said object. See figure 13. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Dodd et al. with the latch reciprocals as taught by Teranishi in order to allow the carousel to hold the objects in a registered manner, thereby presenting them in a predetermined orientation on the carousel.

***Response to Amendment***

The amendments to the specification and claims filed on February 10, 2004 have been entered into the record. The amendment to claim 13 has overcome the 35 U.S.C. 112 rejection of paper 4 and they are hereby withdrawn.

***Response to Arguments***

Applicant's arguments filed February 10, 2004 have been fully considered but they are not persuasive. In regards the arguments for newly amended claims 1 and 8 applicant states that the Dodd et al. reference does not disclose that the latch reciprocals are not located between the object (12) and the axis of rotation (42) of the carousel. All Dodd need disclose is that any part of the object be outwardly radial of the latch reciprocal where it meets the hub and that the axis of rotation be on the other side of said latch reciprocal. This is clearly the case when looking at figures 1-3 in the Dodd reference. The claims stand rejected as above.

In regards to the rejection of claim 13, Dodd does teach an overall concept of a carousel (10) with various components such as hubs (24,26) and a drive motor (55). As such the hubs are mounted within a rotatable carousel, as the carousel is made up of more than just the hubs. In fact Dodd et al. call the system (10) a carousel, and hubs (24,26) are clearly within said system therefore the argument is not persuasive.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAF  
8/17/04

  
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